

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Docket No. SYN-106CN)

|                       |                                      |   |                 |     |
|-----------------------|--------------------------------------|---|-----------------|-----|
| In re Application of: | Bird et al.                          | ) | Group Art Unit: | TBA |
| Serial No.:           | TBA                                  | ) | Examiner:       | TBA |
| Filing Date:          | TBA                                  | ) |                 |     |
| Title:                | GENETIC CONTROL OF<br>FRUIT RIPENING | ) |                 |     |

Box Patent Application  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

**PRELIMINARY AMENDMENT**

Prior to substantive review, please amend the above-identified patent application as follows.

**In the Specification:**

On page 1, between the title on line 1 and the first paragraph on line 3, please insert the following heading and paragraph:

**Cross-Reference to Related Application**

This application is a continuation of now-pending U.S. patent application Serial No. 09,242,860 filed March 29, 1999, which is a national application derived from International application Serial No. PCT/GB97/02424 filed on September 8, 1997 and designating the United States.

EXPRESS MAIL LABEL NO. EL 742819360US  
DATE OF DEPOSIT Sept 28, 2001

**In the Claims:**

Please amend claims 4, 6, 8 and 11 as noted below. As required by 37 C.F.R. §1.121(c), the amended claims are rewritten with all changes are also enclosed.

4. (Amended) A method according to claim 1 characterised in that the said polynucleotide modulates the production of pectate lyase.

6. (Amended) A method according to claim 1 wherein the plant material is transformed using the *Agrobacterium*, microparticle bombardment, fibre mediated or direct insertion method.

8. (Amended) A vector functional in plants comprising a promoter region which is operable in plant cells, at least one of the polynucleotide sequences described in claim 1 and a transcription termination sequence.

11. (Amended) A banana produced via the method according to claim 1 having altered fruit characteristics when compared with a banana which is not transformed with at least one of the polynucleotide sequences described in claim 1.

Please add the following new claims pursuant to 37 CFR § CFR1.121(C) (i):

15. (New) A method according to claim 3, characterised in that the said polynucleotide modulates the production of pectate lyase.

16. (New) A method according to claim 15 in which the polynucleotide sequence comprises at least one of the sequences depicted in the sequence listings as SEQ ID Nos. 13-18.

17. (New) A vector functional in plants comprising a promoter region which is operable in plant cells, at least one of the polynucleotide sequences described in claim 3 and a transcription termination sequence.

18. (New) A banana produced via the method according to claim 3 having altered fruit characteristics when compared with a banana which is not transformed with at least one of the polynucleotide sequences described in claim 3.- -

#### REMARKS

Claims 1-14 are pending in this case. Claims 4, 6, 8, and 11 have been amended and claims 15-18 have been added. The claims have been amended to remove improper multiple dependencies and place them in a better format for prosecution. New claims 15-18 contain no new matter, as support for these claims can be found throughout the specification, and in particular at pages 2-4.